

## **REMARKS**

Claims 1, 3 and 6-41 are pending in the application. Claims 1, 3, 6, 8, 10-14, 16, 18-20, 22, 24-26, 28, 30-32 and 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wheatley, III et al. (U.S. Patent 5,461,639) in view of Bruckert (U.S. Patent 5,751,763). Claims 7, 9, 15 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wheatley, III et al. in view of Bruckert, and further in view of Tiedemann, Jr. et al. (U.S. Patent 6,396,867). Claims 36-39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wheatley, III et al. in view of Bruckert, and further in view of Tiedemann, Jr. et al. Claims 21,23,27,29,33,35,40 and 41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wheatley, III et al. in view of Bruckert, and further in view of Tiedemann, Jr. et al.

On June 23, 2004 Applicants' representative, Michael J. Musella, Esq., conducted an interview with the Examiner.

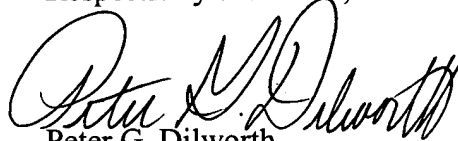
During the interview, the issue focused upon whether Wheatley, III et al. disclosed the claim limitation the recites that "the positions of the punctured encoded data symbols are chosen to lessen a channel degradation", i.e. the basis of the argument contained in the Response filed November 25, 2003. The Examiner maintained his position that the puncturing positions of Wheatley, III et al. are chosen to increase channel quality, that is, to reduce channel degradation. Although the Examiner maintained that a broad reading of the claims reads upon the cited reference, the Examiner did state that he believed that the specification did contain patentable subject matter. In particular, the Examiner stated that the specification disclosed specific methods of determining the positions of the puncturing that if amended into the independent claims could place them in condition for allowance. As the Examiner did not have the file before him during the interview he was unable to go into specific suggestions and citations from the specification.

Based on the discussions with the Examiner, independent Claims 1, 10, 18, 24 and 30 have been amended to recite that the positions of the puncturing to reduce channel degradation are determined by choosing positions that will have the least negative influence during the demodulation process of a receiver. Applicants believe that this amendment distinguished the claims of the present application from the cited references.

Independent Claims 1, 10, 18, 24 and 30 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 3, 6-9, 11-17, 19-23, 25-29 and 31-41, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 3, 6-9, 11-17, 19-23, 25-29 and 31-41 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1, 3 and 6-41 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



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